

Lesotho: Building a Reputation

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Lesotho achieved independence in 1966. In the post-independence election of 1970, the Basutoland Congress Party won the election, but the ruling party, the Basotho National Party (BNP), annulled the election and declared a state of emergency. The military took over the administration of the country in 1986 and ruled until 1993, when multiparty democracy returned to Lesotho.

The 1993 elections were transitional, marking the end of the military regime and the beginning of the restoration of the democratic system of government.

The second multiparty democratic elections were held in 1998, after the country had experienced a short period of upheaval and a serious threat to its young democracy.

The constitution was amended in 2001 to introduce the Mixed Member Proportional (MMP) electoral system. The number of seats in the National Assembly increased from 80 to 120, 80 to be elected in single-member electoral districts and 40 to be elected in accordance with the principle of proportional representation (PR).

Prior to the 1993 election, civil servants ran elections under the supervision of a government ministry. The provisions of the constitution and the National Assembly Electoral Act of 1992 established the Independent Electoral Commission (IEC) of Lesotho. Section 66 of the amended constitution establishes the composition, functions and independent status of the IEC, and the funding of its expenses.

The institutional framework of the EMB in Lesotho revolves around the IEC. It is a centralized, three-member institution with a normal staff complement of about 237. During election periods an additional 27,276 temporary election staff are employed throughout the country.

Powers and Functions

The constitution gives the IEC broad responsibility for all activities relating to the organization and conduct of regular free and fair elections in the country. It organizes, conducts and supervises elections to the National Assembly and local authorities, as well as referendums.

The IEC is empowered to continuously review legislation and other matters relating to elections and referendums and to make appropriate recommendations with respect to them. It has the responsibility for carrying out tasks related to the organization and conduct of elections,

such as voter education, research into electoral matters, and the delimitation of electoral district boundaries. The IEC has a mechanism to conduct its own tendering for contracts and has been vested by government with powers to enter into arrangements with international donors.

Funding and Accountability

The government meets the funding of the IEC, whose expenses, along with all other election expenses, are charged directly to the Consolidated Fund. The budget is prepared by the IEC and submitted, through the Ministry of Finance, to Parliament for approval. However, despite the sound constitutional framework for meeting election expenses, in practice only the budget for the electoral event itself receives prompt endorsement by the Ministry of Finance; the budget for the IEC's recurrent expenditure is often processed slowly.

The Act took account of the need for a high level of accountability with respect both to general electoral activities and to the financial affairs of the EMB. The IEC is required within a stipulated period after the end of each financial year to submit to Parliament, through the minister responsible for law and constitutional affairs, both an annual report on its functions, activities and affairs, and an audited statement of its revenue and expenditure for that year.

The Professionalism of Electoral Officers

The professionalism of the electoral officers of the IEC has been under continuous review, and a determined effort has been made to upgrade the existing level. The background and culture of the majority of IEC staff is that of the civil service in Lesotho. The IEC is required to consult with the Public Service Commission when employing staff and may request the minister responsible for the public service to make any officer available to it. A continuing process of reform in the management and staff structure will enable any excess staff to be identified and lead to greater productivity of a better-trained staff complement.

Relations with Political Parties

The IEC has had an uneasy relationship with the opposition parties since the 1993 elections, largely due to the lack of proportionality between the number of votes received by the different parties and the number of seats won. The opposition parties did not accept the election results, and confidence in the electoral system was eroded. When the 1998 elections again produced results that were largely favourable to the ruling party, open conflict erupted. This led to the creation of a transitional government and the establishment of an Interim Political Authority, which brought all the political parties together to work closely on electoral reform with the IEC, which was reconstituted.

Prior to the 2002 elections, with the assistance of the Interim Political Authority, the IEC played a leading role in the reform of the constitution and the National Assembly Election Act to enable the MMP electoral system to be established in 2001 and to implement other important changes to the delimitation of electoral district boundaries and the registration of voters. Those reforms contributed significantly to the delivery of improved quality of election services in 2002.

Relations with the Media and Other Institutions and Agencies

The IEC's relationship with the media has been good. The government-owned media have cooperated with the IEC in the latter's monitoring role to ensure that news coverage extends to the campaigns of all political parties. The IEC is responsible for determining the allocation of air time for each political party.

The relationship between civil society organizations, donor agencies and observers, and the IEC has remained good since the IEC was formed.

Although the relationship with government has been good, it has not enabled the IEC to operate confidently as an independent EMB. Many members of the public and some legislators did not regard the IEC as an independent body, largely because of the apparent civil service status of the staff and the problems with funding disbursements from time to time.

The IEC has one of the most comprehensive and up-to-date legislative electoral schemes in the Commonwealth. The two major obstacles it faces are the lack of full control over the recruitment and supervision of election staff, and the need to put into full effect and operation the constitutional provision that all election expenses are charged to the Consolidated Fund.